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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,391	01/14/2004	Soo-Young Oh	0465-1520PUS1	1888
2292	7590	08/24/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			PERRIN, JOSEPH L	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			1746	
NOTIFICATION DATE		DELIVERY MODE		
08/24/2007		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/756,391	OH ET AL.	
	Examiner	Art Unit	
	Joseph L. Perrin, Ph.D.	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 January 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09 July 2007 have been fully considered but they are not persuasive.
2. Regarding applicant's arguments for the obviousness-type double patenting rejection, applicant cites numerous court decisions and argues that the Examiner has failed to provide any factual evidence. Firstly, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Secondly, the Examiner emphatically disagrees with applicant's assertion and takes the position that the factual evidence relied upon is applicant's patent for which the double patenting rejection was made and the rejection was proper. Contrary to applicant's assertion that the Examiner has merely made general statements, the differences between the instantly claimed invention and that of the patented claims (as noted in the rejection) is that the patented claims included all of the claimed limitations and additional limitations (which is the only issue precluding a statutory double patenting rejection), and the patent claims clearly evidenced that the claimed invention was broader in scope than the patented claims. Thus, the factual evidence that the instantly claimed invention fully encompassed the patented claims in such a manner is clear evidence that the instant claims fail to patentably distinguish from the patented claims since the instant claims fail to provide

any additional limitation which was not already disclosed in the patented claims. The Examiner notes that applicant has failed to provide a modicum of evidence to the contrary. The Examiner further notes that the Supreme Court decision in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007) forecloses the requirement of teaching, suggestion, and motivation as being the only rationale in making an obviousness rejection. Moreover, an obviousness determination is not the result of a rigid formula disassociated from the consideration of the facts of a case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not. *Leapfrog Enterprises Inc. v. Fisher-Price Inc.*, 82 USPQ2d 1687 (Fed. Cir. 2007); see also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007). In this case, manifestly, the fully encompassing claimed invention with respect to the patented invention failed to include any patentably distinguishable limitations which define over the claimed invention and a non-statutory obviousness-type double patenting rejection was properly made. The Examiner further notes that the newly introduced claim limitations will be addressed in the newly formulated ODP rejection below which is necessitated by amendment.

3. Turning to the rejection(s) of the claims under 35 U.S.C. § 102, it is noted that the terminology in a pending application's claims is to be given its broadest reasonable interpretation (*In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)) and limitations from a pending application's specification will not be read into the claims (*Sjolund v. Musland*, 847 F.2d 1573, 1581-82, 6 USPQ2d 2020, 2027 (Fed. Cir. 1988)).

Anticipation under 35 U.S.C. § 102 is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of a claimed invention. See *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 1570, 7 USPQ2d 1057, 1064 (Fed. Cir.), cert. denied, 488 U.S. 892 (1988); *RCA Corp. v. Applied Digital Data Sys., Inc.*, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Moreover, anticipation by a prior art reference does not require either the inventive concept of the claimed subject matter or the recognition of properties that are inherently possessed by the prior art reference. *Verdegaal Brothers Inc. v. Union Oil co. of California*, 814 F.2d 628, 633, 2 USPQ2d 1051, 1054 (Fed. Cir. 1987), cert. denied, 484 U.S. 827 (1987). A prior art reference anticipates the subject matter of a claim when that reference discloses each and every element set forth in the claim (*In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994) and *In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990)); however, the law of anticipation does not require that the reference teach what Applicant is claiming, but only that the claims "read on" something disclosed in the reference. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984) (and overruled in part on another issue), *SRI Intel v. Matsushita Elec. Corp. Of Am.*, 775 F.2d 1107, 1118, 227 USPQ 577, 583 (Fed. Cir. 1985). Also, a reference anticipates a claim if it discloses the claimed invention such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention. See *In re Graves*, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995), cert. denied, 116 S.Ct. 1362

(1996), quoting from *In re LeGrice*, 301 F.2d 929, 936, 133 USPQ 365, 372 (CCPA 1962).

4. Regarding the §102 rejection over DOBER, applicant points to claims 1, 5 and 9 and argues that DOBER does not include the "injecting" step of introducing steam into the rotating drum. Given the broadest reasonable interpretation, the term "injecting" is construed broadly and reads on any means for forcing steam into the rotating drum (i.e. there is no structural limitations which clearly set forth how the "injecting" of steam is performed). Thus, in the instant case, steam in DOBER is created by heated water and is forced into the drum in such a manner as to read on the broadly claimed "injecting" step. The Examiner further notes that the use of any conventional injecting means for applying the steam to the rotating drum would appear to be well within the level and skill generally available to one having ordinary skill in the art and the selection of one known injecting means over another to perform the same function would appear to be *prima facie* obvious.

5. Regarding the "displaying" limitation, applicant's arguments are moot in view of the new §103 rejection with DOBER which was necessitated by amendment. The newly added limitations will be addressed in the forthcoming rejection(s).

6. Regarding newly introduced claims 11-19, these claims have not yet been considered by the Office and no comment is deemed necessary at this time. The newly added limitations will be addressed in the forthcoming rejection(s).

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 1-3, 5-7, 9, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DOBER in view of U.S. Patent No. 5,561,880 to ALLEN et al. ("ALLEN") or U.S. Patent Publication No. 2002/0026673 to CHO. Re claims 1-3, 5-7 & 9, DOBER discloses a method for smoothing wrinkles of the laundry in a drum-type washing machine (col. 1, lines 47-48 & 13-14) comprising supplying water into a steam generator of a drum-type washing machine when a command signal for smoothing wrinkles of the laundry is inputted by a user's request after a washing process of the drum-type washing machine is completed (col. 1, lines 20-24; col. 2, lines 22-24); heating water by means of a heater installed in the steam generator to generate steam (col. 2, lines 31-35); injecting stream generated, for a first pre-set time to the laundry in the drum while rotating the drum of the drum-type washing machine (col. 2, lines 34-39); terminating/stopping steam-injecting when the first pre-set time elapses (col. 2, lines 52-53); rotating the drum for a second pre-set time after stopping injection of steam to the laundry in the drum-type washing machine (col. 2, lines 54-56); and stopping rotation of the drum when the second pre-set time elapses and informing a user of completion of smoothing wrinkles of the laundry (col. 2, lines 56-57). Re claims 14 & 18, DOBER further discloses supplying water via line (5) located above the drum. While DOBER clearly discloses controller (10) for "controlling and supervising" the wash/steam cycles, the washing machine DOBER does not expressly disclose inputting

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the wrinkle smoothing cycle/process or displaying the wrinkle smoothing cycle/process.

However, it is common knowledge that washing machines incorporate a cycle/parameter inputting means along with a displaying means for displaying said cycle/parameter, such as a conventional touch screen controller or a knob/button controller. ALLEN teaches that it is known in the laundry processing art to provide a laundry steaming apparatus with an input controller which detects an input command to perform a steaming process and display the steaming process is being performed (see Figure 2 and relative associated text). CHO teaches that it is known to provide a washing machine with key input means for inputting “various kinds of wash-related operation command” and display means for “displaying the operation state of the washing machine, functions, etc.”.

It would have been obvious to one having ordinary skill in the art to include cycle/process input means and display means, as taught in the laundry apparatus of ALLEN or CHO, in the washing machine of DOBER for the purpose of yielding the predictable results of allowing a user to input a particular cycle/process and view when the cycle/process is being performed. Moreover, there would be a reasonable expectation of success in combining the references to yield the claimed invention since the references are analogous art (textile treatment art).

9. Claims 4, 8 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over DOBER in view of U.S. Patent No. 5,038,586 to NUKAGA *et al.* (“NUKAGA”) or JP 3-143494 to OTANI *et al.* (“OTANI”). Recitation of DOBER is repeated here from above.

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While DOBER discloses injecting steam and terminating steam via a controller such that the washing machine door can be released, DOBER does not expressly disclose an alarm or LED signal to indicate to a user the completion of the process. Both NUKAGA (see col. 22 lines 64-68) and OTANI (see abstract) teach the well known concept of providing either an audible alarm or LED to signal user upon completion of a process. The position is taken that it would have been within the level and skill of one having ordinary skill in the art at the time the invention was made to provide the washing machine dewrinkling process of DOBER with an alarm or LED signal to indicate completion of a treatment process. Moreover, there would be a reasonable expectation of success in using such alarm/signal to indicate completion of a process since it is common knowledge that washing appliance conventionally include alarms/signals to indicate completion of a treatment process, such being readily within the level and knowledge of one having ordinary skill in the art.

10. Claims 11-13, 15-17 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over DOBER in view of ALLEN or CHO, either alone or further in view of JP 2003-311084 to HOSOKAWA et al. ("HOSOKAWA"). DOBER, ALLEN & CHO, supra disclose the claimed invention including injecting steam and supplying water from above the drum. However, the recited combination does not expressly disclose the location of a steam generator including a heater and such injecting means being located above the drum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the steam generator/heater and injecting

opening at any desired location, either above, below or beside the drum, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Moreover, it would have been "obvious to try" to locate such steam generating and injecting means due to the finite number of identified, predictable locations in a washing machine with a reasonable expectation of success to one having ordinary skill in the art. Furthermore, regarding the prior art, HOSOKAWA discloses such configuration wherein a washing machine is supplied with a steam generator with heater (9 & 11) above the drum which injects steam via injecting means (12) above the drum.

All of the component parts are known within the cited references above. The only difference is the combination of "old elements" in a single device to perform the claimed function.

Thus, it would have been obvious to one having ordinary skill in the art to provide a washing machine steam generator with heater and injecting means located above the drum, as taught by HOSOKAWA, into the washing machine as described in the combination of DOBER, ALLEN & CHO, since the operation of the steam generator and injecting means is in no way dependent on the operation of the washing machine of the cited art, and the steam generator and injecting means could be used in combination with a standard washing machine to achieve the predictable results of selectively supply steam in a steam treatment cycle in a washing machine. Moreover, there would be a reasonable expectation of success in simply combining the steam generating means of the washing machine fairly described in HOSOKAWA with the washing machine

disclosed in DOBER, ALLEN & CHO for the intended purpose of supplying steam in a laundry process since all of the references are analogous art and well within the general knowledge and level of ordinary skill in the art.

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

12. Claims 1-3, 5-7 & 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 11/181,801 in view of ALLEN or CHO. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed scope fully encompasses the copending claim with the exception of the inputting of the wrinkle smoothing (steaming) process and the displaying of the steaming process.

ALLEN and CHO, *supra*, teach that it is known to provide a laundry appliance with inputting means and displaying means. Thus, the incorporation of said conventional inputting means and displaying means would have yielded the same predictable results of allowing a user to input and view laundry parameters and such modification would be well within the level and skill generally available to one having ordinary skill in the art.

13. Claims 1-3, 5-7 & 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of copending Application No. 10/751,978 in view of DOBER and further in view of ALLEN or CHO. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed scope fully encompasses the copending claim but for when the steam is injected (while rotating versus before rotating) and repeating the steps of injecting and stopping or the inputting of the wrinkle smoothing (steaming) process and the displaying of the steaming process. DOBER, *supra*, teaches that it is known to supply steam while rotating. Such modification considered to be an obvious variant (i.e. injecting steam while rotating versus before rotating) as it is well settled that rearranging method steps and repetition of method steps are within the level of ordinary skill in the art. ALLEN and CHO, *supra*, teach that it is known to provide a laundry appliance with inputting means and displaying means. Thus, the incorporation of said conventional inputting means and displaying means would have yielded the same predictable results of allowing a user to input and view laundry parameters and such modification would be well within the level and skill generally available to one having ordinary skill in the art.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

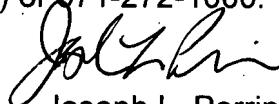
Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1746

JLP